IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 2962 of 2006
Date of decision : 20.11.2006

Union of India and another

....Appellants

Versus

Jagmeet Kaur & others

...Respondents

CORAM : HON'BLE MR.JUSTICE UMA NATH SINGH
HON'BLE MR.JUSTICE MAHESH GROVER

....

Present : Mrs.Daya Chaudhary, Asstt.Solicitor General of India, for the appellants.

...

MAHESH GROVER, J.(Oral)

In this appeal by the Union of India, the owner of the offending vehicle, challenge has been made to the findings recorded by the Motor Accident Claims Tribunal, Gurdaspur in MACT Petition No.129 of 2003, decided on 1.12.2005.

The sole ground on which the award has been challenged by the appellants is quantum of compensation assessed and granted to the claimant-respondents.

We have heard the learned counsel for the appellants on the issue aforesaid and have perused the award. The age of the deceased was assessed by the Tribunal as 44 years. Learned counsel for the appellants laid much stress on this finding as the Tribunal has noticed the fact that the deceased had retired from the service of Punjab State Electricity Board, her former employer. From this the

learned counsel for the appellants wanted us to infer that the age of the deceased was much more than what has been assessed.

We are not inclined to accept this contention of the learned counsel for the appellants as there is nothing to suggest that the deceased had superannuated from service. Retirement could have been in some other circumstances as well. As there is no evidence to this effect, we do not deem it fit to interfere with this finding of the Tribunal qua age. Besides, the Tribunal has assessed the monthly income of the deceased @ Rs.2,400/- per month and dependency after making a deduction of 1/3rd as Rs.19,200/- per annum. A multiplier of 12 was applied considering the age of the deceased. The Hon'ble Supreme Court in **Lata Wadhwa & Others v. State of Bihar & Others** (2001) 8 Supreme Court Cases 197 has observed that in a case of housewife the value of the services rendered by her to the family can be assessed @ Rs.3,000/- per month. In view of this, the award of the Tribunal cannot be considered to be excessive especially in view of the fact that the deceased was survived by her husband, two daughters and one son.

For the foregoing reasons, we do not find any merit in the appeal which is accordingly dismissed.

(UMA NATH SINGH)
JUDGE

(MAHESH GROVER)
JUDGE

November 20, 2006

dss